



### **Ethics Committee**

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#### **Time and Date**

10.00 am on Thursday, 2nd July, 2015

#### **Place**

Committee Room 2 - Council House

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#### **Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
  - a) To agree the minutes of the meeting held on 10 March 2015
  - b) Matters Arising
4. **Code of Conduct Update** (Pages 7 - 14)

Report of the Executive Director of Resources
5. **Inspection into Rotherham Metropolitan District Council: Governance Issues** (Pages 15 - 22)

Report of the Executive Director of Resources
6. **Review of the Register of Disclosable Pecuniary Interests** (Pages 23 - 28)

Report of the Executive Director of Resources
7. **Appointment of Second Independent Person** (Pages 29 - 34)

Report of the Executive Director of Resources
8. **Work Programme for the Ethics Committee** (Pages 35 - 42)

Report of the Executive Director of Resources
9. **Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved**

#### **Private Business**

Nil

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 24 June 2015

Note: The person to contact about the agenda and documents for this meeting is Gurdip Paddan Tel: 024 7683 3075 Email: [gurdip.paddan@coventry.gov.uk](mailto:gurdip.paddan@coventry.gov.uk)

Membership: Councillors A Andrews, L Bigham, J Clifford (Chair), D Gannon and J McNicholas

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR if you would like this information in another format or language please contact us.

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# Public Document Pack Agenda Item 3

## Coventry City Council

### Minutes of the Meeting of Ethics Committee held at 9.30 am on Tuesday

10 March 2015

Present:

Members

Councillor P Hetherton (Chair)

Councillor A Andrews

Councillor C Fletcher

Councillor K Mulhall

Employees (by Directorate)

Resources:

J Bilan, C Bradford, C Forde, G Paddan

Independent Person:

K Sloan

Apologies:

Councillor D Gannon

### **Public Business**

#### 19. **Declarations of Interest**

There were no declarations of interest.

#### 20. **Minutes**

The minutes of the meeting held on 29 August 2015 were signed as a true record. There were no matters arising.

#### 21. **Code of Conduct Update**

The Committee received a report of the Assistant Director of Legal and Democratic Services, which provided an update on national issues in relation to the ethical behaviour of elected members and local position in Coventry with regard to Code of Conduct issues. It also set out the actions taken in connection with the Code of Conduct matters arising from the previous meeting of this Committee.

The report indicated that the Monitoring Officer had received three new complaints, since the last meeting of the Ethics Committee. It was noted that all complaints had been handled in accordance with the agreed Complaints Protocol.

The Committee gave consideration to training and ways of encouraging members to attend. It was suggested that the Monitoring Officer draft an email for the Chair to circulate to all members on the importance of attending training sessions. The comments received from Mr Ken Sloan were considered.

**RESOLVED that the report be noted.**

22. **Proposed Amendment to Code of Conduct for Elected and Co-opted Members**

The Committee received a report of the Assistant Director for Legal and Democratic Services on the proposed amendment to the Code of Conduct for elected and co-opted members. At the meeting held on 29 August 2014 the Committee had considered a report on the Code of Conduct during the course of which it was decided that it should recommend to Council that the Code of Conduct should be amended to draw members' attention to the requirement not to disclose confidential information. The report provided the Committee with suggested wording for an amendment and the Committee considered the wording and made recommendation to full Council.

**RESOLVED that the Ethics Committee recommend to the Cabinet Member for Policing and Equalities that he recommends to full Council that it approves the additional wording to the Code and that Part 4A of the Council's Constitution be amended accordingly; following approval by full Council.**

23. **Review of the Operation of the Code of Conduct for Employees**

The Committee considered a report of the Assistant Director for Legal and Democratic Services on the operation of the Code of Conduct for Employees and considered review recommendations made at the meeting. The report set out the current Employees' Code of Conduct in full and provided some back ground to its use and updating.

The Code of Conduct for Employees was amended by full Council in January 2014 as part of the overall review of the Constitution and all employees were made aware of the Code and where to find it. The report noted that the current Code was being reviewed by officers as part of a wider review of HR policies. The Committee considered the position of politically restricted posts and the implications.

**RESOLVED that the Ethics Committee include the Review of the Operation of the Code of Conduct for Employees on the Work Programme for the municipal year 2015/16 and an update on the current review of the Code.**

24. **Review of Lord Mayor's Gifts and Hospitality**

The Committee received a report of the Assistant Director for Legal and Democratic Services on the review of Lord Mayor's gifts and hospitality. The report noted that at the last meeting held on 29 August the Committee had considered a report on a review of the procedure dealing with gifts and hospitality for elected members and the Committee had decided that it would like to review the procedure for accepting and registering gifts and hospitality offered to the Lord Mayor. Also to view details of gifts and hospitality received in the current Municipal year together with the current practices and gifts received to date. However, it was noted that there was no formal, approved policy on the receipt of gifts and hospitality by the Lord Mayor and an informal policy had developed over the years and this has been applied by the Lord Mayor's Office to gifts and hospitality received.

**RESOLVED that after due consideration of the report and the matters raised at the meeting, the Committee noted the report and made no changes to current practices.**

**25. Review of Officers' Gifts and Hospitality**

The Committee received a report of the Assistant Director for Legal and Democratic Services regarding the entries in the Registers of Officers' gifts and hospitality for the first six months. The report set out the current practice in relation to gifts and hospitality received by officer; between 1 May to 31 October. It also included an extract from the Employees' Code of Conduct which set out the guidance for employees on the acceptance of gifts or hospitality.

**RESOLVED that after consideration of the report and the matters raised at the meeting the Officers' Gifts and Hospitality be updated and presented at the next meeting.**

**26. Review of Members' Declarations of Gifts and Hospitality**

The Committee received a report of the Assistant Director for Legal and Democratic Services, which set out details of declarations of gifts and hospitality made by members since the Committee last reviewed these at its meeting on 29 August 2014. The report noted that in total eleven declaration forms had been received from five individual elected members and there had been no requests by members of the public to view the register during this period.

**RESOLVED that the gifts and hospitality register entries received from 29 August to 13 February be noted.**

**27. Review of Operation of Ethical Standards in Parish Councils**

The Committee received a report of the Assistant Director for Legal and Democratic Services on how parish councils operate and the operation of the ethical standards regime in parish councils within the City. In particular, the Committee had requested for information about whether parish councils within Coventry had any information on their websites on how to deal with complaints, their register of interests and general information such as parish precepts and members allowances.

The report noted that there are around 9,500 parish councils in England but these only cover about 30% of the population and they are mainly found in rural areas. Within Coventry there are two parished areas: Allesley and Keresley and they each meet around eight times a year. Both Parish Councils had adopted the Code of Conduct as required by the Localism Act 2011. Neither of the Parish Council had any information on their websites about how members of the public could complain about councillors. Both had information about how to contact the Parish Clerk.

**RESOLVED that:**

**a) The report be noted.**

**b) The Monitoring Officer to contact both Parish Clerks in terms of publishing information on their website on the process of making a complaint against a councillor and that regularly updating Disclosable Pecuniary Interests forms by parish councillors would be good practice.**

**28. Committee on Standards in Public Life: Annual Report for 2013-14**

The Committee received a report of the Assistant Director for Legal and Democratic Services, which outlined the matters raised in the Annual Report for 2013-14 of the Committee on Standards in Public Life to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

**RESOLVED that the report be noted.**

**29. Work Programme for the Ethics Committee 2015/16**

The Committee received a report of the Assistant Director for Legal and Democratic Services, which suggested areas of work for the Ethics Committee for the Municipal year 2015-16. The Committee considered the draft work programme and requested that the following item be included in the work programme - Review of the Operation of the Code of Conduct for Employees

**RESOLVED that the Ethics Committee reviewed the work programme attached as Appendix 1 to the report and agreed to the items listed for consideration with the addition of 'Review of the Operation of the Code of Conduct for Employees' to the work programme for the first meeting in the 2015/16 municipal year.**

**30. Any other items of public business which the Chair decides to take as matters of urgency because of special circumstances involved**

There were no other items of public business.

(Meeting closed at 11.40 am)



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2 July 2015

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Executive Director, Resources

**Ward(s) affected:**

None

**Title:** Code of Conduct update

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**Is this a key decision?**

No

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**Executive Summary:**

This report updates members of the Ethics Committee on any national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues.

**Recommendations:**

The Ethics Committee is recommended to:

1. Note the cases determined under the new regime nationally and delegate any actions arising from these to the Assistant Director Legal and Democratic Services in consultation with the Chair of the Ethics Committee; and
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the Assistant Director, Legal and Democratic Services in consultation with the Chair of the Ethics Committee.

**List of Appendices included:**

None

**Other useful background papers can be found at the following web addresses:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No



## **Report title: Code of Conduct update**

### **1. Context (or background)**

1.1 The Council's Ethics Committee agreed that the Monitoring Officer would provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This is to facilitate the Ethics Committee's role in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of member conduct.

### **1.2 The National Picture**

1.2.1 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore the cases reported are taken from general research.

1.2.2 Cases reviewed cover breaches of the individual Council's Code of Conduct in the following areas; disrepute, bullying and disrespect. There is also a short updating report on the first ever prosecution of a councillor of another authority for offences under the Localism Act 2011.

#### **1.2.3 Torfaen Council: Bringing Office or Council into Disrepute Councillor Mike Harris**

In August 2014 Councillor Harris from Torfaen Council made allegedly offensive remarks in respect of which a complaint was made and subsequently investigated. Whilst the authority is in Wales and covered by a different standards regime, the Torfaen Council's Code using the common language of 'bringing the authority/ office of Councillor' into disrepute and hence is included. The case is interesting because it considered again the difficult issue of free speech v offensive remarks which could lead to a breach of the Code. The Council's Deputy Monitoring Officer produced a report concluding that there had been a breach of the Code of Conduct. The Ethics and Standards Committee held that whilst the Councillor's remarks were offensive, they did not amount to a breach of the Council's Code of Conduct and no action was taken.

#### **1.2.4 Newham Council: Failing to treat with Respect Mayor Sir Robin Wales**

An interesting case in that the timescales laid out in the Council's own Constitution for a potential Code breach to be investigated and concluded were not complied with. The timeframe for the investigation and determination of member complaints is stipulated at 3 months. In this case the complaint was made in July 2014 and a decision notice issued in January 2015. The facts of the case can be briefly summarised as follows.

In July 2014, a video emerged on YouTube showing the Mayor losing control of his temper at the presence of Focus E15 Mothers campaigners at an event in Central Park in East Ham. The footage shows a member of council staff physically restraining the Mayor and resulted in a formal complaint being made about the Mayor's behaviour. The complaint detailed an alleged breach of the Members' Code

of Conduct by failing to treat people with respect, including the organisations and public engaged with and those worked alongside.

Newham's Standards Advisory Committee met on 31 July 2014, recommended a formal inquiry, and an independent investigator was appointed. A Hearing Sub-Committee was then appointed to consider the investigator's findings and determine whether a breach of the code of conduct had taken place. It met on 21 October 2014 and asked the investigator to rewrite the report with new recommendations. The Hearings Sub Committee made its decision on 15<sup>th</sup> January 2015, after consultation with the Independent Person as required under the Localism Act 2011, and determined that there had been a breach of the Code. The sanctions imposed were a letter of reprimand from the Monitoring Officer, professional mediation between the parties and a report to Full Council.

It is not know if the mediation has taken place, and there is no ability to compel attendance in any event.

#### **1.2.5 East Staffordshire Borough Council: Failing to treat others with respect and bullying another person Councillor Stephen Smith 30.4.15**

An allegation brought by one Councillor against another involving threat with regard to comments made whilst waiting for a Planning Committee. Following an investigation the complaint was heard by the Standards Committee who found that Councillor Stephen Smith had breached part of the Code of Conduct relating to the treatment of others with respect, but had not bullied the other Councillor. The Committee imposed sanctions in the form of publication of the Committee's findings and the reporting of the decision to Full Council.

#### **1.2.6 Dorset Council : offences under s 31 and 34 Localism Act 2011**

Members may recall that Councillor Spencer Flower who was formerly the Leader of Dorset County Council was the subject of a prosecution under the 2011 Act. It was alleged that whilst the Councillor was leader of East Dorset District Council, the Councillor failed to declare his interest in Zebra Property Solutions LTD, a company for which he was a Non-Executive Director. It was also alleged that he failed to declare his interest in the same company to Dorset County Council. The third allegation related to the Councillor failing to disclose his interest in Synergy Housing Ltd, a company in which he was also a Non-Executive Director, before a meeting of Dorset County Council on 25 February 2013 at which its Core Strategy for the provision of social housing was discussed. It was alleged that the Councillor participated and voted during this meeting.

The trial took place on 24<sup>th</sup> April 2015 and the Councillor was convicted. Members may recall that Councillor Flower had already resigned as leader of Dorset County Council by the time of the first hearing. The sentence imposed by the Judge was a 6 month conditional discharge, payment of prosecution costs of £930 and a £15 victim surcharge. Councillor Flower remains as a County Councillor and was returned unopposed in the recent elections in East Dorset District.

### **1.3 The Local Picture**

1.3.1 At its meeting on the 20<sup>th</sup> February 2014, the Ethics Committee requested that the Monitoring Officer report regularly on any complaints received relating to Members of Coventry City Council.

1.3.2 The Monitoring Officer has received two new complaints, since the date of the last Committee meeting:

(a) a written complaint by 3 individuals which was found not to have disclosed any evidence of a breach of the Code of Conduct against the member, and it was found not to be in the public interest to instigate an investigation into the complaint. It has been dealt with under Stage 1 of the Complaints Protocol and the complainant was notified of the outcome on 4<sup>th</sup> June 2015.

(a) a written complaint regarding six members' behaviour in connection with their alleged failure to respond to a complainant's concerns. The complaint was dealt with under Stage 1 of the Complaints Protocol and no further action was taken due to the failure to produce evidence to support the alleged breaches of the Code and that it was not in the public interest to instigate an investigation into the complaint. The complainant was advised of the decision on 4<sup>th</sup> June 2015.

1.3.3 All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of Allesley or Keresley Parish Councils.

1.3.4 Since the last meeting, the Code of Conduct training course for members took place on 16 June 2015 and three newly elected members attended. All members are expected to attend Code of Conduct training at least every 3 years.

1.3.5 The Council's Register of Disclosable Pecuniary Interests required under the Code of Conduct has now been placed on line, and members are able to update their declarations electronically. The register is also now more accessible to the public and each Councillor has an individual link in his or her page to the declaration they have made. It is intended that further quarterly reminders will be placed in the Members Weekly Bulletin, along with reminders about mandatory 3 yearly attendances at the Code of Conduct Training.

## **2. Options considered and recommended proposal**

Members of the Committee are asked to:

(a) Note the cases determined under the new regime nationally and delegate any actions arising from these to the Assistant Director Legal and Democratic Services in consultation with the Chair of the Ethics Committee; and

(b) Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the Assistant

Director, Legal and Democratic Services in consultation with the Chair of the Ethics Committee.

**3. Results of consultation undertaken**

3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

**4. Timetable for implementing this decision**

4.1 Not relevant

**5. Comments from Executive Director, Resources**

5.1 Financial implications  
There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications  
There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

**6 Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

**6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

**6.3 What is the impact on the organisation?**

No direct impact at this stage

**6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance at this stage.

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Carol Bradford**

**Name and job title:** Solicitor, Place & Regulatory Team, Legal and Democratic Services

**Directorate:** Resources

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Gurdip Paddan	Governance Services Officer	Resources	24/06/15	24/06/15
Adrian West	Governance Services Manager	Resources	22.06.15	23.06.15
Helen Lynch	Legal Services Manager (Place and Regulatory )	Resources	22.06.15	23.06.15
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Kathryn Sutherland		Resources	22.06.15	
Legal: Helen Lynch on behalf of Christine Forde	Assistant Director Legal and Democratic Services	Resources	22.06.15	23.06.15
Director: Chris West		Resources	22.06.15	

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2 July 2015

**Name of Cabinet Member:**

N/A- Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title:** Inspection into Rotherham Metropolitan District Council: Governance Issues

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**Is this a key decision?**

No

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**Executive Summary:**

The Committee has asked for a report on the outcome of two reports into child sexual exploitation in Rotherham and failings of Rotherham Metropolitan District Council, culminating in the decision of the then Secretary of State for Communities and Local Government to intervene and appoint commissioners to run the authority.

This report gives a brief history of the background to the Casey report and the decision of the Secretary of State to intervene. It sets out the main findings of failure in governance at Rotherham and asks the Committee to consider what action if any it needs to take in the light of these findings.

**Recommendations:**

The Ethics Committee is recommended to:

1. Consider the report on the inspection into Rotherham Metropolitan District Council; and
2. Consider whether it should take any further action in the light of the report findings.

**List of Appendices included:**

None

**Other useful background papers can be found at the following web addresses:**

1. Louise Casey CB: Report of Inspection of Rotherham MDC  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/401125/46966\\_Report\\_of\\_Inspection\\_of\\_Rotherham\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf)
2. Secretary of State's directions to Rotherham MDC  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/407338/DIRECTIONS.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407338/DIRECTIONS.pdf)
3. Secretary of State's written statement to Parliament  
<https://www.gov.uk/government/speeches/intervention-in-rotherham-metropolitan-district-council>
4. Tackling Child Sexual Exploitation: Government's response to Rotherham  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408604/2903652\\_RotherhamResponse\\_acc2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408604/2903652_RotherhamResponse_acc2.pdf)

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No



## **Report title: Inspection into Rotherham Metropolitan District Council: Governance Issues**

### **1. Context (or background)**

- 1.1 In October 2013 Rotherham Metropolitan District Council (RMDC) commissioned an independent inquiry into child sexual exploitation in Rotherham. The ensuing report by Professor Alexis Jay OBE covered the period 1997 to 2013 and looked at how Rotherham's children's services dealt with child sexual exploitation cases. The report found evidence of sexual exploitation of at least 1,400 children in Rotherham in this period.
- 1.2 Given the serious failings highlighted by the Jay report, the then Secretary of State for Communities and Local Government, Eric Pickles, appointed Louise Casey CB on the 10 September 2014 to carry out an inspection of RMDC in relation to the exercise of its functions on governance, children and young people and taxi and private hire licensing.
- 1.3 Louise Casey's report was published on 4 February 2015 and found widespread failings across the council's culture and services. Further information about these failings is set out in Section 2 of this report.
- 1.4 The Secretary of State informed the House of Commons on 4 February 2015 that he was considering exercising his powers of intervention in relation to RMDC. Following further consideration, and the council's own representations, the Secretary of State confirmed on 26 February 2015 that he had decided to nominate 5 commissioners to take over all of the council's executive functions and to begin a rapid improvement programme. He also confirmed that he would act to move RMDC to 'all out' council elections from 2016.

### **1.5 Casey Report Findings**

- 1.5.1 Professor Jay's review of child sexual exploitation in Rotherham showed that organised child sexual exploitation had been happening on a massive scale over many years. Local agencies had dismissed concerns or put in place an inadequate response. Louise Casey's report showed that even since the Jay report, many in the council and its local partners had continued to deny the scale of the problem, and not enough action had been taken to stop the abuse.

#### 1.5.2 In particular the report found:

- (a) a council in denial about serious and on-going safeguarding failures;
- (b) an archaic culture of sexism, bullying and discomfort around race;
- (c) failure to address past weaknesses, in particular in Children's Social Care;
- (e) ineffective leadership and management, including political leadership;

- (f) no shared vision, a partial management team and ineffective liaisons with partners; and
- (g) a culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

1.5.3 The report concluded that RMBC was not fit for purpose. It was failing in its legal obligation to secure continuous improvement in the way in which it exercised its functions. In particular, it was failing in its duties to protect vulnerable children and young people from harm. The Council was incapable of tackling its weaknesses, without a sustained intervention. RMBC did not have strong enough political and managerial leadership to guide the borough out of its present difficulties and put it back on a path to success. Some Members had not set and modelled the high standards expected of those in public life. Historic concerns around conduct had not been effectively tackled. RMBC had a culture of suppressing bad news and ignoring difficult issues. It went to some length to cover up information and to silence whistle-blowers.

## 1.6 The Intervention Package

1.6.1 Following publication of the Casey Report, the Secretaries of State for Communities and Local Government and for Education exercised their powers under Section 15(5) and (6) of the Local Government Act 1999 and Section 497A(4B) of the Education Act 1996 to secure its compliance with the best value duty and to ensure it discharge its child social care duties to the required standard.

1.6.2 An Order has been made requiring the Council to hold all-out elections in 2016. In addition, 5 Commissioners have been appointed to take over the running of the Council until such time as the Secretary considers that some or all of the functions can be returned to the Council. These are:

- (a) All executive functions of the Authority i.e. all functions of the Authority which are the responsibility of the executive, including the delegation of the exercise of such functions under section 9E of the Local Government Act 2000. These functions include all “local choice” functions (i.e. functions that may be exercised by either an authority’s executive or council) of the Authority that were exercisable by the executive;
- (b) All non-executive functions relating to the appointment and dismissal of persons as statutory officers, and the designation of those persons as statutory officers;
- (c) All non-executive functions relating to licensing, to include all related enforcement and regulatory functions;
- (d) Functions of arranging for the discharge of any of the Authority’s functions by another body or person; and
- (e) Appointments to outside bodies.

1.6.3 The intention is that functions will be returned to the Council on a phased basis as it shows itself capable of discharging those functions. Commissioners may be in place for up to four years. In the meantime, the Council's Executive acts in an advisory capacity only and may not receive any special responsibility allowances. The Council is required to set in place action or improvement plans and to implement them.

## 1.7 **Government Proposals to Tackle CSE**

1.7.1 In addition to taking specific action at RMDC, the Government has issued its general response to the Jay and Casey reviews. The report, 'Tackling Child Sexual Exploitation' outlines a number of actions which are to be developed to protect vulnerable children and to reduce offending in this area, as well as focusing on strengthening accountability, addressing the culture of denial and improving joint working. As the remit of this committee is concerned with the ethical governance of the Council, its members and employees, only those sections of the report relating to ethical governance are summarised below.

### 1.7.2 ***Accountability and leadership***

The report stresses that those who have a duty to protect children must be held accountable. Lead officers in local authorities, police and health bodies must take responsibility for addressing the failures shown by the Rotherham report and any other inspections in their area.

1.7.3 The Government intends to consult on options for imposing sanctions for failure to take action on abuse or neglect where it is a professional responsibility. These proposals will include a new offence of wilful neglect for elected members and council staff, similar to that introduced for NHS staff in the wake of the Francis Inquiry into Mid-Staffordshire.

1.7.4 The Government is particularly concerned about senior staff taking a large redundancy payment and then obtaining a new job in the same sector shortly afterwards. It has announced that it will introduce amendments to the Small Business and Enterprise Bill that is currently before Parliament, to enable exit payments for senior staff to be clawed back where those people are quickly re-employed in the same part of the public sector.

1.7.5 The Government also expects that local authorities should adopt the principles on the use of settlement agreements in the public sector set out in guidance published on 1 February this year. Local Government will be expected to strengthen accountability arrangements for senior local leaders immediately through improving its existing self-regulation.

### 1.7.5 ***Whistleblowing***

All organisations that have safeguarding responsibilities must have internal whistleblowing policies in place, which are then integrated into training and codes of conduct. These policies should reflect the principles that Sir Robert Francis sets out in his review 'Freedom to Speak Up'. There will be a new whistleblowing national

portal for child abuse related reports to help to bring child sexual exploitation to light and to spot patterns of failure across the country.

#### **1.7.6 Information sharing**

A key focus in tackling child exploitation is removing barriers to the sharing of information. Local authorities and health providers need to take a fresh look at how information is shared internally and between other agencies. The Government has issued further guidance on this.

### **2. Options considered and recommended proposal**

2.1 The experience at RMDC should encourage all councils to examine their own culture, policies and procedures to ensure that child sexual exploitation is tackled effectively.

2.2 The failings identified in the Casey report which are relevant to this committee's remit are:

- A culture of sexism, bullying and discomfort around race; and
- A culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

The continued, active involvement of the committee in reminding members and employees of the importance of good governance, ethical behaviour and openness and transparency in the way the Council delivers its services is vital to help reduce the risk of such a culture developing at the Council.

2.3 It is suggested that the Committee might consider including in its work programme for this year a review of the Council's Whistleblowing Policy to ensure that it is fit for purpose and is embedded into Council practice.

2.4 Members of the Committee are asked to:

- (a) Consider the report on the inspection into Rotherham Metropolitan District Council; and
- (b) Consider whether it should take any further action in the light of the report findings.

### **3. Results of consultation undertaken**

3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

### **4. Timetable for implementing this decision**

4.1 Not relevant

## **5. Comments from Executive Director, Resources**

### **5.1 Financial implications**

There are no specific financial implications arising from the recommendations within this report.

### **5.2 Legal implications**

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

## **6 Other implications**

None

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

### **6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

### **6.3 What is the impact on the organisation?**

No direct impact at this stage

### **6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance at this stage.

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Carol Bradford**

**Name and job title:** Solicitor, Place & Regulatory Team, Legal and Democratic Services

**Directorate:** Resources

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Helen Lynch	Legal Services Manager (Place & Regulatory)	Resources	23.06.15	24.06.15
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Kathryn Sutherland		Resources	23.06.14	
Legal: Helen Lynch on behalf of Christine Forde	Assistant Director Legal and Democratic Services	Resources	23.06.14	24.06.15
Director: Chris West	Executive Director	Resources	23.06.14	
Councillor Clifford	Chair Ethics Committee			

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2 July 2015

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title:**

Review of the Register of Disclosable Pecuniary Interests

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out information about the Register of Disclosable Pecuniary Interests and updates the Committee on the recent Council-wide review of interests and uploading them on to Modern.Gov, the Council's software system for democratic services. The Committee is asked to note the report and to give guidance on how it would like to be kept informed of its use in future.

**Recommendations:**

The Ethics Committee is recommended to:

1. Consider progress on the review of the Register of Disclosable Pecuniary Interests and give guidance on how it wishes to be kept informed of its use in future.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No



## **Report title: Review of the Register of Disclosable Pecuniary Interests**

### **1. Context (or background)**

- 1.1 The Ethics Committee has, as part of its work programme, decided to review on a regular basis the Register of Disclosable Pecuniary Interests.
- 1.2 Elected and co-opted members are required by law to declare any “disclosable pecuniary interests” (DPIs) they have. DPIs are defined in regulations and include matters such as:
  - Employment
  - Sponsorship
  - Interest in land
  - Contracts
  - Corporate tenancies
  - Licences
  - Securities

In addition the City Council requires members to declare membership of a trade union and of any organisation “whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body”. These are not statutory DPIs.

- 1.3 Members have a legal duty to declare any DPI that they have in an item of council business and to not participate in the discussion of that matter or any voting on it. In addition, the City Council requires members with a DPI to leave the room during the discussion and voting on the item.
- 1.4 Failure to comply with some statutory requirements is a criminal offence.

### **2. Options considered and recommended proposal**

- 2.1 The requirement to maintain a Register of DPIs was introduced in July 2012. At that time the Council provided training for members and produced frequently asked questions to help members understand their new responsibilities. The Register has been maintained since then with existing members providing updates to the Monitoring Officer as and when required. Newly elected members receive training as part of their induction and are given the opportunity to meet with a member of Legal Services to go through their declaration and raise any questions.
- 2.2 In recent months the Council has undertaken a major exercise to review and update all declarations and to arrange for those declarations to be managed in future through Modern.Gov, the Council’s democratic services software system. All members have reviewed their declarations and where necessary have updated them. Officers have worked with members to deal with any inconsistencies in declarations and to ensure, where possible, that members do not declare as interests matters which do not have to be declared.
- 2.3 Officers in Governance Services and Members Services have been trained in the use of the DPI facility on Modern.Gov and have uploaded all declarations. The system went live at the beginning of June and members of the public may view the register of interests for each councillor through the council website. In future, Members will be able to update their entries directly on-line, with support from Members Services staff if required. Any updates entered by members are automatically forwarded to nominated officers (the Council’s

Monitoring Officer, Deputy Monitoring Officer and Members and Elections Team Manager) for review prior to publishing. The system will maintain a history of changes made for future reference. Having the register on Modern.Gov, means that it can be kept up to date at all times and improves openness and transparency for the public.

- 2.4 As the new system has been in operation for less than a month it is too early to review the success of its operation. The Committee is recommended the note the report and to give guidance on how it would like to be kept informed of its use in future.

### **3. Results of consultation undertaken**

- 3.1 None.

### **4. Timetable for implementing this decision**

- 4.1 Any recommendations of the Committee will be implemented within an appropriate time frame.

### **5. Comments from Executive Director, Resources**

- 5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

- 5.2 Legal implications

Members are required to declare their DPIs under the Localism Act 2011 and regulations made thereunder. The transfer of the register to Modern.Gov aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Localism Act 2011.

### **6 Other implications**

None

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

- 6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report. Having the statutory register maintained through Modern.Gov makes it easier and quicker to update changes to interests thereby ensuring that members fulfil their statutory duty and that the public are always able to see the most up to date version of the register.

- 6.3 What is the impact on the organisation?**

The ability to update and amend the statutory register quickly and easily should assist the Council to ensure open and transparent governance.

**6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance at this stage.

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Carol Bradford**

**Name and job title:** Solicitor, Place and Regulatory Team, Legal and Democratic Services

**Directorate:** Resources

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Gurdip Paddan	Governance Services Officer	Resources	22.06.15	24/06/15
Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	22.06.15	23.06.15
Adrian West	Democratic and Member Services Manager	Resources	22.06.15	23.06.15
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Kathryn Sutherland	Finance	Resources	22.06.15	
Legal: Helen Lynch on behalf of Christine Forde	Assistant Director, Legal and Democratic Services	Resources	22.06.15	23.06.15
Director: Chris West	Executive Director, Resources	Resources	22.06.15	
Members: Councillor Clifford	Chair, Ethics Committee	Elected Member		

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## Public Report

2 July 2015

**Name of Cabinet Member:**  
N/A - Ethics Committee

**Director Approving Submission of the report:**  
Executive Director of Resources

**Ward(s) affected:**  
All

**Title:** Appointment of Second Independent Person

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**Is this a key decision?**  
No

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### Executive Summary:

In May 2015 a new statutory instrument came into force which required changes to be made to the Council's Constitution. Those changes were approved by Cabinet Member (Policing and Equalities) on 18<sup>th</sup> June and Council on 23<sup>rd</sup> June 2015. The changes require the appointment of a second Independent Person to be part of a Panel in the event of disciplinary action being taken against the Council's statutory Officers.

### Recommendation:

The Committee is recommended to:

- (1) Delegate the advertisement and recruitment of a second Independent Person to the Assistant Director and Monitoring Officer in consultation with the Chair of the Ethics Committee.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title: Appointment of Second Independent Person**

### **1. Context (or background)**

- 1.1 In 2015 the Government published a statutory instrument, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which required the Council to make changes to its Constitution.
- 1.2 The SI amends the procedures dealing with disciplinary proceedings involving statutory officers of the Council (the Head of Paid Service, Monitoring Officer and Chief Finance Officer). They require the removal of the requirement for a Designated Independent Person to investigate allegations of misconduct by these senior officers.
- 1.3 The final decision to dismiss any statutory officer (and not just the Head of Paid Service as previously) must be taken by full Council. Before taking that decision, Council must invite at least two Independent Persons to be members of a Panel, and Council must take into account any recommendation of that Panel before taking a final decision to dismiss. The Independent Persons are those persons appointed as such under the Localism Act 2011 to act as Independent Persons in connection with Code of Conduct complaints against elected members.
- 1.4 The invitations to be members of the Panel should be sent in accordance with the following priority order:
  - an Independent Person who has been appointed by the council and who is a local government elector,
  - any other Independent Person who has been appointed by the council, and
  - an Independent Person who has been appointed by another council or councils.The Regulations provide that the Panel is to be a committee of the authority and so it is subject to all the legal requirements for committees, including the proportionality rules.
- 1.5 The Regulations also provide that the remuneration that should be paid to Independent Persons on the panel should be limited to the level of the remuneration which they would normally receive as an Independent Person in the conduct regime, i.e. a modest annual allowance or small meeting fee.
- 1.6 Local authorities must now modify their Standing Orders to give effect to the new arrangements. The 2015 Regulations require that this be done at the first ordinary Council meeting held after the 7 May 2015 elections. The Council amended its Constitution on 23<sup>rd</sup> June 2105 to facilitate compliance with the Regulations.

## **2. Options Considered**

- 2.1 The Council currently has only one Independent Person appointed. In the event of disciplinary action being taken against any statutory officer, the Council would either need to appoint a second person or make arrangements with another local authority to use the services of one of their Independent Persons. At its meeting on 23<sup>rd</sup> June, full Council decided to recommend to this Committee that it seek applications for the position of a second Independent Person rather than seek to rely upon an Independent Person from another authority.
- 2.2 It is recommended that the Committee follows the same procedure as it did for the appointment of its first Independent Person, namely the advertising of the position followed by interview by a Panel and selection.

## **3. Results of consultation undertaken**

- 3.1 No consultation has been undertaken because the changes are statutory.

## **4. Timetable for implementing this decision**

- 4.1 As the Constitution has now been altered, the main provisions of the legislation have been complied with. However, in order to ensure a Panel is available if required, the Committee needs to proceed with the appointment of a second Independent Person as soon as possible.

## **5. Comments from the Executive Director of Resources**

- 5.1 Financial implications  
None.
- 5.2 Legal implications  
The Council should make the selection of a second Independent Person to comply fully with the new legislation and its Constitution.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation and are fit for purpose.

### **6.2 How is risk being managed?**

Having a Constitution that reflects changes in legislation structures will ensure that the Council meets its legal obligations.



### 6.3 What is the impact on the organisation?

To put in place appropriate governance arrangements that reflects current statutory requirements.

### 6.4 Equalities / EIA

None

### 6.5 Implications for (or impact on) the environment

None

### 6.6 Implications for partner organisations?

None

#### Report author(s):

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**Directorate:** Resources

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Finance: Kathryn Sutherland		Resources	22/06/15	
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Helen Lynch	Legal Services Manager (Place and Regulatory)	Resources	22/06/15	23/06/15
Chris West	Executive Director Resources	Resources	22/06/15	





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2<sup>nd</sup> July 2015

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

**Not applicable**

**Title:**

Work programme for the Ethics Committee 2015/16

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**Is this a key decision?**

No

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**Executive Summary:**

This report sets out the areas of work for the Ethics Committee for the Municipal Year 2015/16 which were agreed at the meeting of the Committee in March 2015. The Committee is asked to consider the work programme and make any suggestions for additional or alternative reports.

**Recommendations:**

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

**List of Appendices included:**

Work programme

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title: Draft Work Programme**

### **1. Context (or background)**

- 1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches the programme of work which the Committee approved at its meeting in March 2015. This is designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members.
- 1.2 The Committee's approved work programme takes account of the need to promote standards and addresses this in a number of ways. It is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on. However, certain items have been included which will help the Committee focus on its key aim to promote high standards of conduct for all members and employees of the Council.

### **2. Options considered and recommended proposal**

- 2.1 First there continues to be a standing item for each meeting, by way of a Monitoring Officer / Code of Conduct update, which will incorporate a review of complaints to date and an update on any national issues on the subject of elected member conduct which may be of interest. This is flexible and can cover additional areas which the Committee is particularly concerned about, as they arise.
- 2.2 Secondly the Committee will continue to review declarations of Gifts and Hospitality by both officers and members at six monthly intervals. This will assist the Committee in reviewing how the two Codes of Conduct are working a day to day basis.
- 2.3 Thirdly, items have been included to ensure an annual review of the position of the parish councils, a review of the Register of Disclosable Pecuniary Interests and a review of any Annual Report from the Committee on Standards in Public Life. A separate item has been included for this meeting of the new municipal year to consider the implications of the recent best value inspection of Rotherham MBC and the Secretary of State's subsequent decision to appoint commissioners for that authority.
- 2.4 The Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

### **3. Results of consultation undertaken**

None

### **4. Timetable for implementing this decision**

- 4.1 Not Applicable

## **5. Comments from Executive Director, Resources**

### **5.1 Financial implications**

There are no specific financial implications arising from the recommendations within this report.

### **5.2 Legal implications**

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

## **6. Other implications**

None

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

### **6.2 How is risk being managed?**

There is no direct risk to the organisation as a result of the contents of this report.

### **6.3 What is the impact on the organisation?**

The work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

### **6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance at this stage.

### **6.5 Implications for (or impact on) the environment**

None

### **6.6 Implications for partner organisations?**

None at this stage

**Report author(s): Carol Bradford**

**Name and job title:** Solicitor, Place and Regulatory Team, Legal and Democratic Services

**Directorate:** Resources

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Director: Chris West	Executive Director Resources	Resources	22/06/15	23/06/15
Councillor Clifford	Chair of Ethics Committee		22/06/15	

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## Appendix

### Work Programme for the Municipal year 2015/2016

Meeting no. and date	Topics	Verbal or written	Lead officer
<b>2015/2016</b>			
<b>1. 2 July 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Six monthly review of Register of DPs.	Written	Christine Forde
	Report on the best value inspection of Rotherham MBC.	Written	Christine Forde
<b>2. 17 September 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Officers Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde
	Members Gifts and Hospitality - Inspection of Registers for first 6 months of 2015.	Written	Christine Forde
<b>3. 10 December 2015</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Standards in Public Life- update from national body usually published in August each year.	Written	Christine Forde
	Annual review of Parish Councils ethical standards regime.	Written	Christine Forde
	Six monthly review of Register of Disclosable Pecuniary Interests.	Written	Christine Forde
<b>4. 24 March 2016</b>	Monitoring Officer/Code of Conduct/ members Complaints Update.	Written	Christine Forde
	Officers Gifts and Hospitality - Inspection of Registers for second 6 months of 2015.	Written	Christine Forde



	Members Gifts and Hospitality - Inspection of Registers for second 6 months of 2015.	Written	Christine Forde
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